

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CATHLEEN MCDONOUGH,

Plaintiff,

v.

HORIZON BLUE CROSS BLUE SHIELD
OF NEW JERSEY, INC.,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 09-571 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court on Defendant Horizon Blue Cross Blue Shield of New Jersey's motion to dismiss the Complaint filed by Plaintiff Cathleen McDonough ("Plaintiff" or "McDonough") [docket entry 12]; and Plaintiff having opposed the motion; and the Court having opted to rule on the motion without oral argument, pursuant to Federal Rule of Civil Procedure 78; and the Court having considered the papers filed by the parties; and for the reasons expressed in the Opinion filed herewith,

IT IS on this 7th day of October, 2009,

ORDERED that Defendant Horizon Blue Cross Blue Shield of New Jersey's Federal Rule of Civil Procedure 12(b)(6) motion to dismiss the Complaint filed by McDonough [docket entry 12] be and hereby is **GRANTED**; and it is further

ORDERED that McDonough's Complaint be and hereby is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 15(a), the Court grants McDonough leave to file an Amended Complaint within 30 days of the date of this Order.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge